

AO 120 (Rev. 3/04)

<b>TO:</b> <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
filed in the U.S. District Court Delaware on the following ☒ Patents or ☐ Trademarks:


DOCKET NO. 07cv202	DATE FILED 4/13/2007	U.S. DISTRICT COURT DISTRICT OF DELAWARE
PLAINTIFF Ariad Pharmaceuticals, et al.		DEFENDANT Amgen Inc., et al.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US 6,410,516 B1	6/25/02	President & Fellows of Harvard College, et al.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
SEE ATTACHED NOTICE OF DISMISSAL

CLERK PETER T. DALLEO, CLERK OF COURT	(BY) DEPUTY CLERK 	DATE 8/16/2007
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Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ARIAD PHARMACEUTICALS, INC.,	)	
MASSACHUSETTS INSTITUTE OF	)	
TECHNOLOGY, THE PRESIDENT AND	)	
FELLOWS OF HARVARD COLLEGE, and	)	
THE WHITEHEAD INSTITUTE FOR	)	
BIOMEDICAL RESEARCH,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 07-202-JJF
	)	
AMGEN INC., IMMUNEX CORPORATION,	)	
AMGEN USA INC., AMGEN	)	
MANUFACTURING LIMITED, IMMUNEX	)	
RHODE ISLAND CORPORATION, and	)	
WYETH,	)	
	)	
Defendants.	)	

**NOTICE OF DISMISSAL**

WHEREAS, the complaint by plaintiffs (collectively "ARIAD") in the above action (the "Second Action") is identical to the infringement counterclaim that they have asserted in an earlier-filed declaratory judgment action styled Amgen Inc., et al. v. ARIAD Pharmaceuticals, Inc., et al., C.A. No. 06-259-MPT (the "First Action");

WHEREAS, the Second Action was filed purely as a protective measure at a time when the plaintiffs in the First Action were contesting whether ARIAD could assert its infringement case as a counterclaim in the First Action;

WHEREAS, ARIAD's infringement case now is pending as a counterclaim in the First Action, thus eliminating the need for the duplicative Second Action to proceed; and

WHEREAS, the complaint in the Second Action has never been served, and defendants accordingly have not answered or moved for summary judgment; now therefore,

PLAINTIFFS HEREBY DISMISS THIS ACTION, without prejudice, pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure.

ASHBY & GEDDES

*/s/ Steven J. Balick*

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Dated: July 27, 2007  
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